REMARKS

The claims and specification were objected to for minor informalities. It is respectfully submitted that the enclosed amendment obviates the alleged informalities. Accordingly, it is respectfully requested that these objections be withdrawn.

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed for the following reasons. The Examiner appears to not understand the reference to "offset value" recited in claim 1. However, claim 1 expressly recites that the offset values ***each correspond to one subband, which are used for referencing the first table***. In other words, an offset value can be used as a value indicating the position in the first table. It should be noted that an "offset" value can be simply representative and need not be compensative. Accordingly, it is respectfully submitted that "offset value" is definite. Based on the foregoing, it is respectfully requested that this rejection be withdrawn.

Claims 1-2 stand rejected under 35 U.S.C. § 102 as being anticipated by Bett '534 ("Bett"). Claim 1 is independent. This rejection is respectfully traversed for the following reasons.

Claim 1 recites in pertinent part, "a first step of converting each said allocation table by reducing each group of subbands sharing a pattern to one, said pattern representing a relationship between an index value and the number of quantization steps; a second step of converting the converted allocation tables into a single first table by reducing each group of subbands sharing said pattern to one; and a third step of defining, in a second table, offset values each corresponding to one subband, which are used for referencing the first table." Bett is completely silent as to at least these features of the claimed combination.

Specifically, the Examiner appears to rely on col. 1, lines 24-34 of Bett as allegedly disclosing the aforementioned features. The Examiner's position is not understood. Indeed, col. 1, lines 24-34 of Bett merely discloses that four quantization tables used in MPEG1 (Layer 2) can be compressed into two tables, but that an additional four tables are required to recreate the original tables.

This broad disclosure of a conventional compression process described in Bett is completely unrelated to the detailed features recited in claim 1. For example, a simple compression of four quantization tables into two has no relevance whatsoever to steps which include converting allocation tables by reducing subbands sharing a pattern (pattern representing a relationship between an index value and the number of quantization steps). It follows that the conventional compression process disclosed by Bett is even further unrelated to converting converted allocation tables into a single first table by reducing subbands sharing the pattern to one, and defining in a second table offset values each corresponding to one subband for referencing the first table.

The Examiner's rejection is not understood as the Examiner took a broad, completely unrelated and conventional compression process taught by Bett and somehow interpreted it as corresponding to the claimed process steps. As noted above, however, the referenced compression process of Bett is completely unrelated to the claimed combination. Indeed, it is respectfully submitted that the Examiner merely concludes an alleged correspondence between Bett and the claimed invention without any *objective* support. Nonetheless, such a correspondence does not exist.

In this regard, it should be noted that Bett is merely cumulative to the admitted prior art described on page 1 of Applicants' specification, and is identified in the ISP as an "A" reference

having no particular relevance to the claimed invention. The Examiner is directed to the first couple of pages of Applicants' specification, which expressly describe the novel and non-obvious distinctions between Bett (which corresponds to EP 918400 identified in Applicants' specification) and the present invention as embodied in the pending claims.

It is further noted that the Examiner makes "obviousness" statements in the § 102 rejection which is *per se* improper, as alleged "obviousness" is not relevant in a § 102 rejection (*see* page 3 of Office Action showing § 102 rejection notwithstanding reference to § 103 standard). In any event, it is respectfully submitted that Bett does not disclose the claimed steps nor does the disclosure of Bett render the claimed steps obvious. Such conclusions by the Examiner are wholly improper as they are based solely on improper hindsight reasoning using ***Applicants' specification as a guide to interpret the teachings of Bett.***

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Bett does not anticipate claims 1-2.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If

there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Ramyar M. Farid
Registration No. 46,692

Please recognize our Customer No. 53080 as our correspondence address.

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 RMF:MaM
Facsimile: 202.756.8087
Date: August 4, 2008